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UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON D.C.

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HEARING DOCKET

IN THE MATTER OF
SKYCORP EXECUTIVE CHARTERS, INC

FAA DOCKET NO CP06NM0003
(Civil Penalty Action)

FAA-2006-25627-12

MOTION FOR DECISION

(or in the alternative)

MOTION IN LIMINE TO STRIKE AFFIRMATIVE DEFENSES

TO: The Honorable Richard C. Goodwin, Administrative Law Judge:

A. MOTION FOR DECISION

Pursuant to 14 C.F.R. Section 13.218(f) (5), the undersigned
FAA counsel hereby moves for a decision, because there is no
genuine issue of material fact, and the moving party is entitled
to a decision as a matter of law.

Complaint Paragraph II.1. was admitted in the October 20,
2006, Amended Answer submitted by Skycorp Executive Charters, Inc.
(hereafter "Skycorp").

Complaint Paragraph II.2., although denied in Skycorp's
Answer, is established by paragraph 5 of the enclosed declaration
of Kevin McKee, and by the exhibits referenced therein.

1 Complaint Paragraph II.3., although denied in Skycorp's
2 Answer, is established by paragraph 5 of the enclosed declaration
3 of Teresa Butler-Stoddard, and by the exhibits referenced therein.
4

5 Complaint Paragraph II.4., although denied in Skycorp's
6 Answer, is established by paragraph 3 of the enclosed declaration
7 of Michael L. Kelly, and the exhibits referenced therein.
8

9 Complaint Paragraph II.5., although denied in Skycorp's
10 Answer, is established by these same, above-referenced exhibits.
11

12 Complaint Paragraph II.6., was admitted in Skycorp's Answer,
13 and also is established by paragraphs 3-4 of the enclosed
14 declaration of Kevin McKee, and by the exhibit referenced therein.
15

16 Complaint Paragraph II.7. was not denied in Skycorp's Answer.
17 Under 14 C.F.R. Section 13.209(e), "any statement or allegation
18 contained in the complaint that is not specifically denied in the
19 answer may be deemed an admission of the truth of that
20 allegation". Furthermore, the allegations in this paragraph are
21 established by paragraphs 3-4 of the enclosed declaration of
22 Teresa Butler-Stoddard, and by the exhibit referenced therein.
23

24 Complaint paragraph III.1. is a conclusion of law.
25

26 Complaint paragraph III.2. correctly states the statutory
27 penalty for violations occurring prior to June 15, 2006. For
28 violations occurring on or after that date, including the June 19,
29 2006 violation alleged in paragraph II.4. of the Complaint, the
30 penalty is set at \$11,000. (See FAA final rules related to Civil
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1 Penalty Inflation Adjustment, promulgated at 71 FR 28518, 71 FR
2
3 47077, and 71 FR 52407).

4
5 Complaint paragraph III.1. states that an \$11,250 penalty is
6
7 appropriate. The Complaint alleges multiple violations of FAR
8
9 119.5(k). For Internet advertising, each day of a continuing
10
11 published advertisement constitutes a separate violation [see 49
12
13 U.S.C. Section 46301(a) (2)]. Thus, Skycorp's potential liability
14
15 in this case is somewhere in the six figures. The proposed
16
17 penalty is quite modest when compared with this potential maximum
18
19 liability, yet reflects the fact that these violations continued
20
21 even after the June 5, 2006, warning discussed in the enclosed
22
23 Declaration of San Aaron.
24
25

26
27 Regarding the affirmative defenses asserted by Skycorp in
28
29 their answer, they are without merit, for the reasons discussed in
30
31 the MOTION IN LIMINE which follows. The discussion set forth in
32
33 that motion is specifically incorporated herein by reference.
34

35 WHEREFORE, the undersigned FAA counsel hereby moves for a
36
37 decision, because there is no genuine issue of material fact, and
38
39 the moving party is entitled to a decision as a matter of law.
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43

44 **B. MOTION IN LIMINE**
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48 Should the Motion for Decision be denied in whole or in part,
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50 the undersigned FAA counsel, in the alternative, hereby moves
51
52 under 14 C.F.R. Section 13.218(a), by filing this motion in
53

1 limine, seeking an order from the Administrative Law Judge
2
3 striking the three affirmative defenses asserted by Skycorp
4
5 Executive Charter (hereafter "Skycorp") set forth in its First
6
7 Amended Answer dated October 20, 2006.
8

9 In its Answer, Skycorp raises three primary affirmative
10
11 defenses. The first such defense is that of "estoppel" (variously
12
13 pled by Skycorp as "equitable estoppel", "estoppel by negligence",
14
15 and "estoppel by silence"). The second such defense is that of
16
17 "selective enforcement" of the FAR at issue in this matter (14
18
19 C.F.R. Section 119.5(k), based on Skycorp's assertions that the
20
21 FAA has not enforced this regulation against similarly situated
22
23 air carriers, and had an improper motive (retaliation) to do so in
24
25 its case, thus violating Skycorp's Constitutional due process and
26
27 equal protection rights. The last such defense is that FAR
28
29 Section 119.5(k) is unconstitutionally vague.
30
31

32 33 **1. Estoppel Argument** 34

35 In In the Matter of Delaware Skyways, LLC FAA Order No.
36
37 2005-5, the Administrator discussed the application of the
38
39 Estoppel doctrine to these civil penalty proceedings, at length:
40

41 Although reasonable reliance is an element of estoppel, it is not, as
42 Delaware implicitly suggests, the only element. In Heckler v. Community
43 Health Services of Crawford County, 467 U.S. 51, (1954), the Court
44 explained the elements of estoppel as follows: [T]he party claiming the
45 estoppel must have relied on its adversary's conduct "in such a manner
46 as to change his position for the worse," and that reliance must have
47 been reasonable in that the party claiming the estoppel did not know nor
48 should it have known that its adversary's conduct was misleading. Id. at
49 60 (citations omitted). In addition, the court in Heckler held that an
50 estoppel may not ordinarily be obtained against the Government because
51 it would undermine the rule of law. The facts in Heckler, where the
52 Court required a health services provider to return certain overpayments
53 even though the provider had received assurance that the payments were
proper, aptly illustrate this principle. While the Supreme Court has
not concluded that a party may never estop the Government, courts have

1 refused to consider any claim of estoppel without a showing of
2 "affirmative misconduct." Siu de Puerto Rico, Caribe Y Latino America v.
3 Virgin Islands Port Authority, 42 F.3d 801, 803 (3rd Cir. 1994); United
4 States v. Pepperman, 976 F.2d 123, 131 (3rd Cir. 1992); United States v.
5 St. John's General Hospital, 875 F.2d 1064, 1069 (3rd Cir. 1989); United
6 States v. Asmar, 827 F.2d 907 (3rd Cir. 1987). [FN9] In the present
7 case, even assuming there was evidence of the inspector's alleged
8 promise, Delaware failed to allege that it had relied on the statement
9 of the inspector to its detriment, much less that there was any
10 affirmative misconduct.

11 Other courts have also made it clear that estoppel against
12 the government may not be asserted as it may against private
13 litigants (Office of Personnel Management v. Richmond, 496 U.S.
14 414, 419 (1990)), Emery Mining Corp. v. Secretary of Labor, 744
15 F.2d 1411, 1416 (10 Cir. 1984)). These courts have found that a
16 successful estoppel against the government would undermine the
17 integrity and predictability of the law. Additionally, a
18 prevailing estoppel claim, by nullifying the requirements of the
19 law, would invade the legislative and rulemaking province.
20

21 Although the United States Supreme Court has never
22 explicitly stated that estoppel may be asserted against the
23 federal government (Richmond, 496 U.S. at 423; Heckler, 467 U.S.
24 at 60), nonetheless, the doctrine will be invoked against a
25 governmental entity only with great reluctance (Emery Mining, 744
26 F.2d at 1416, quoting U.S. v. Browning, 630 F.2d 694, 702 (10
27 Cir. 1980), cert. denied, 451 U.S. 988 (1981)). As noted above,
28 Federal courts have grafted an element additional to a
29 traditional estoppel action to a claim against the government,
30 stating that a successful estoppel claim requires a showing of
31 "affirmative misconduct" by government officials (see, e.g.,
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1 Mukherjee v. INS, 793 F.2d 1006 (9 Cir. 1986); Portmann v. U.S.
2
3 674 F.2d 1155 (7 Cir. 1982); Akbarin v. INS, 669 F.2d 839 (1 Cir.
4
5 1982); Corniel-Rodriguez v. INS, 532 F.2d 301 (2d Cir. 1976)).
6
7 Mere neglect of duty is not enough (Simon v. Califano, 593 F.2d
8
9 121, 123 (9 Cir. 1979)).
10

11 The National Transportation Safety Board (NTSB or Board),
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13 whose decisions are persuasive (although not precedential), in
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15 the context of FAA Civil Penalty cases, has gone further than
16
17 these courts, unequivocally holding that estoppel will never lie
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19 where the public interest and safety in air commerce or air
20
21 transportation are at stake (Ronald G. Fisher, EA-2986, 6 NTSB
22
23 1292, 1294 (1989), *aff'd sub. nom. Fisher v. Department of*
24
25 Transportation, 917 F.2d 27 (9 Cir. 1990); Erik Milton Poole, EA-
26
27 4425, 1996 NTSB Lexis 11 (February 7, 1996)). The NTSB has, in
28
29 effect, stated that the policies behind the invocation of
30
31 estoppel in a particular case -- the promotion of honesty and
32
33 fair dealing by the government (Molton, Allen and Williams, Inc.
34
35 v. Harris, 613 F.2d 1176, 1178 (D.C. Cir. 1980)) -- could never
36
37 outweigh the public safety, however important the policies may be
38
39 in their own right.
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44 It is not difficult to understand the Board's reasoning. The
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46 promulgation, preservation, and enforcement of standards of
47
48 safety in the air are among the most critical functions entrusted
49
50 to any regulatory agency. The field of aviation safety carries
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52
53

1 special responsibilities because so much is at stake. It is an
2 area in which the public demands the very highest safety values.

3
4 Skycorp has not asserted that the FAA has engaged in any
5 affirmative misconduct with regard to its application of FAR
6 119.5(k). For this reasons, along with the others discussed
7 above, Skycorp's estoppel defenses should be stricken from its
8 answer.
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15 **2. SELECTIVE ENFORCEMENT ARGUMENT**

16
17 The Administrator has consistently rejected consideration of
18 the selective enforcement defense in these civil penalty
19 proceedings. In The Matter of Costello FAA Order No. 1993-10, at
20 6], the Administrator clearly stated, at page 3:
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27 Whether a safety rule is enforced against someone else is
28 not relevant in determining whether Respondent violated the
29 same rule. In the Matter of Sutton-Sautter, FAA Order No.
30 92-46 at 4 (July 22, 1992). Moreover, an agency's decision
31 not to prosecute is a matter of prosecutorial discretion and
32 is presumptively immune from review. In the Matter of
33 Airport Operator, FAA Order No. 91-41 at 7 (October 31,
34 1991), citing Heckler v. Chaney, 470 U.S. 821, 832-32
35 (1984).
36

37 See also In The Matter of Glenn E. Wyatt, FAA Order No. 92-73,
38 where the Administrator stated:
39
40
41

42 The application of discretionary agency policies, such as
43 those alluded to by Respondent, is not relevant to whether
44 Respondent violated the regulations as alleged in the
45 complaint. See In the Matter of American Airlines, Inc., FAA
46 Order No. 89-6, at 7 (December 21, 1988). Furthermore,
47 Complainant's decision whether or not to commence a civil
48 penalty action against Respondent was an exercise of
49 prosecutorial discretion. The decision to prosecute is
50 generally committed to the agency's absolute discretion and
51 should be presumed immune from review. In the Matter of
52 [Airport Operator], FAA Order No. 91-41 at 7 (October 31,
53 1991).

1
2 The Administrator has consistently followed these holdings
3
4 in subsequent cases. See, for example In The Matter of High
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6 Exposure, Inc, FAA Order No. 2001-2, and In The Matter Paul A
7
8 Carr, FAA Order No. 98-2, where she stated:
9

10 Mr. Carr argues on appeal that Horizon bears some
11 responsibility for this shipment but that no action was
12 taken against Horizon. When ruling on an appeal, it is not
13 the Administrator's role to review the discretionary
14 decisions made by Complainant with regard to whether to
15 bring a civil penalty action against an individual other
16 than the respondent to that action.
17

18
19 The NTSB, whose decisions are persuasive (although not
20
21 precedential) in the context of FAA Civil Penalty cases, has
22
23 adopted similar rulings, consistently taking the position that
24
25 the reasons why the FAA chose to take or not take a particular
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27 action in any other case is not relevant. Furthermore, the Board
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29 has held that it does not have jurisdiction to review the
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31 Administrator's exercise of her prosecutorial discretion. See
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33 Administrator v. Renner, NTSB Order No. EA-3927 (1993);
34
35 Administrator v. Adcock, EA-4507 (1996); Administrator v. Bailly
36
37 and Avila, EA- 4294 (1994); Administrator v. Heidenberger, EA-
38
39 3759; at 8-9 (1993)¹; Administrator v Eden, EA-4595 (1997)¹.
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42 In Renner, the Board stated "We have declined to intervene
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44 in the Administrator's enforcement policy, including his
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46 prosecution choices as between one certificate holder and
47
48 another. See, e.g., Administrator v. Kaolian, 5 NTSB 2193 (1987),
49
50 and Go Leasing, Inc. v. NTSB, 800 F.2d 1514 (9th Cir. 1986).
51
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53

1 Thus, evidence regarding treatment of other pilots is irrelevant
2
3 in this proceeding".
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5 In Baily and Avila, the Board rejected Respondents'
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7 arguments that the FAA failed to follow its own internal
8
9 enforcement guidance, noting that the Board has "consistently
10
11 refused to address such arguments, making clear that we do not
12
13 view it as our role to evaluate the FAA's enforcement program or
14
15 to second-guess the Administrator's exercise of his prosecutorial
16
17 discretion", citing Administrator v. Connaire, 6 NTSB 257, 261
18
19 (1988) and Administrator v. Rigsby, NTSB Order No. EA-3860
20
21 (1993).
22
23

24 In Heidenberger, the Board rejected assertions that the
25
26 Administrator was not entitled to bring that proceeding against
27
28 him while taking no action against others, noting that "[t]he
29
30 selection of which cases to prosecute, and the manner in which
31
32 they are prosecuted, are matters within the discretion of the
33
34 Administrator, acting pursuant to his statutory authority," and
35
36 that the Board's jurisdiction in certificate enforcement actions
37
38 "extends only to the question of whether safety and the public
39
40 interest require affirmation of the Administrator's order" and
41
42 "not to an evaluation of the procedural steps leading to the
43
44 issuance of that order except when a question arises concerning
45
46 the Board's own stale complaint rule. We will not, therefore,
47
48 entertain respondent's claim that the Administrator should be
49
50 barred from prosecuting this action against him", citing
51
52
53

1 Administrator v. Greiner, 1 NTSB 874, 877 (1970) and

2
3 Administrator v. Hunt, 5 NTSB 2314, 2316 (1987).

4
5 For these reasons, Skycorp's selective enforcement defenses
6
7 should be stricken from its answer.
8

9
10 **3. VAGUENESS ARGUMENT**

11
12 In the American Airlines, Inc. FAA Order 99-1, the
13
14 Administrator discussed the "void for vagueness" doctrine at
15
16 length, stating, at page 4:

17
18 The Administrator may decline to consider certain
19 constitutional challenges - for example, those involving
20 challenges to the rules of practice as a whole. See, e.g.,
21 In the Matter of Continental Airlines, FAA Order No. 90-12
22 at 6 (April 25, 1998). The Administrator has stated that the
23 Federal Courts of Appeals constitute a more appropriate
24 forum to resolve such challenges. Id. at 6. However, the
25 Administrator has found it necessary and appropriate to
26 consider constitutional claims of vagueness. In the Matter
27 of TWA, FAA Order No. 98-11 at 10 (June 16, 1998); In the
28 Matter of Continental Airlines, FAA Order No. 97-34 n. 8
29 (October 23, 1997) (citing In the Matter of USAir, FAA Order
30 No. 96-25 (August 13, 1996) and In the Matter of [Airport
31 Operator], FAA Order No. 96-1 (January 4, 1996)); In the
32 Matter of Continental Airlines, FAA Order No. 90-12 at 6 n.5
33 (stating that there may be situations in which it will be
34 necessary to consider certain due process arguments, such as
35 "whether the standard allegedly violated is defined with a
36 sufficient degree of specificity to support the imposition
37 of a punitive sanction").
38

39 A law or regulation may be void for vagueness if it
40 does not define the conduct it prohibits so that an ordinary
41 person would know what is required, or if it encourages
42 arbitrary and discriminatory enforcement. Freedom to Travel
43 Campaign v. Newcomb, 82 F.3d 1431, 1440 n.10 (9th Cir.
44 1996). Under the vagueness doctrine, a law or regulation
45 that does not fairly inform a person of what is commanded or
46 prohibited is unconstitutional as violative of due process.
47 In the Matter of TWA, FAA Order No. 98-11 at 10 (June 16,
48 1998), citing In the Matter of [Airport Operator], FAA Order
49 No. 96-1 at 7 (January 4, 1996)....
50

51 Assuming, arguendo, that the security program
52 requirement was potentially vague, potential vagueness may
53 be mitigated by executive interpretation of the challenged

1 provision. Howard v. FAA, 17 F.3d 1213 (March 1, 1994),
2 citing Go Leasing v. NTSB, 800 F.2d 1514, 1525 (9th Cir.
3 1986). American had the benefit of repeated agency
4 interpretations of the * * * language, thereby mitigating
5 any potential vagueness.
6

7
8 In the Matter of Trans State Airlines FAA Order No. 2005-2,
9
10 the Administrator further stated:

11
12 Under the vagueness doctrine, a law or regulation that does
13 not fairly inform an ordinary person of what is commanded or
14 prohibited or which encourages arbitrary and discriminatory
15 enforcement is unconstitutional and violative of due
16 process. In the Matter of American Airlines, FAA Order No.
17 1999-1 at 8 (March 2, 1999). When evaluating a void for
18 vagueness challenge to a regulation, a court will require
19 only a reasonable degree of certainty, and will demand less
20 precision for a regulation governing business, rather than
21 First Amendment, activities. Throckmorton v. National
22 Transportation Safety Board, 963 F.2d 441, 445 (D.C. Cir.
23 1992).
24
25

26
27 Under these standards, and in the context of this case, FAR
28
29 119.5(k) easily survives a 'void for vagueness' defense. The
30
31 regulation reads as follows:
32

33
34 No person may advertise or otherwise offer to perform an
35 operation subject to this part unless that person is
36 authorized by the Federal Aviation Administration to conduct
37 that operation.
38

39 In its Answer, Skycorp has admitted that its operations
40
41 specifications did not authorize operations in jet aircraft. In
42
43 its answer, it has also not denied that its operations
44
45 specifications did not authorize worldwide operations (Exhibit X
46
47 to Inspector McKee's Declaration also establishes this fact).
48

49
50 The only remaining issue, therefore, is whether "an ordinary
51
52 person" in Skycorp's position would know with a "reasonable degree
53

1 of certainty", when placing the internet advertisements set forth
2
3 in the exhibits to the enclosed declarations of McKee, Butler-
4
5 Stoddard, and Kelly, that the flight operations being advertised
6
7 therein were not authorized by Skycorp's operations
8
9 specifications.
10

11 The statements at issue in paragraph II.2. of the Complaint
12
13 advertised, under the title "Aircraft for Charter", two jet
14
15 aircraft (Beech/Raytheon Premier I and Bombardier/Challenger 601-
16
17 1A aircraft), without any qualifying language explaining that
18
19 these aircraft were only available for charter by some other air
20
21 carrier which had operations specifications authorizing jet
22
23 operations. Without any such qualifying language, the
24
25 advertisement was at the very least deceptive, and would lead
26
27 potential customers to believe that they could charter these jets
28
29 directly from Skycorp. There is nothing vague about this
30
31 regulatory prohibition in this context.
32
33

34
35 The other statements at issue in the Complaint (Paragraphs
36
37 II. 3-5), found on Skycorp's Internet site and Charter Hub's
38
39 Internet site on June 5, 2006, and again June 19, 2006, state:
40
41

42 Skycorp Executive Charter Service can fly you to just about
43 any airport in the world
44

45
46 For regional destinations within the northwestern U.S. we can
47 fly you on one of our executive cabin class King Airs, or put
48 you on a light to medium jet for destinations far away.
49

50
51 On the Skycorp Internet site, these statements appeared in
52
53 these Internet advertisements under the Heading

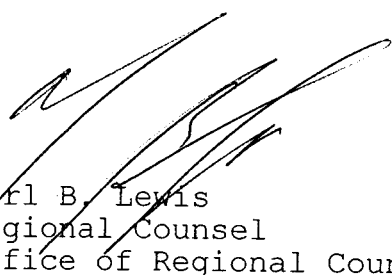
1 "Skycorp...Executive Air Charter", without any qualifying language
2
3 even hinting that Skycorp did not have operations specifications
4
5 authorizing jet operations or worldwide operations, and without
6
7 any hint that Skycorp was simply intending to broker these
8
9 operations for other FAA-certificated air carriers which did have
10
11 appropriate authority under their operations specifications.
12

13 Any potential vagueness in the regulatory language of FAR
14
15 119.5(k), in the context of this case, was adequately "mitigated
16
17 by executive interpretation" (See American Airlines, Inc., above),
18
19 by the enclosed December 23, 1991, interpretation of the FAA
20
21 Chief Counsel, which makes it clear that any entity (including an
22
23 air carrier) intending to advertise its services as an aircraft
24
25 broker (central reservation service), must make that fact clear
26
27 in their advertising, so that the public will not be misled into
28
29 believing that entity doing the advertising is itself offering
30
31 and authorized to perform the operations advertised.
32

33
34
35 Furthermore, at least for the June 19, 2006, violations, the
36
37 FAA further mitigated any potential vagueness by the Manager of
38
39 the Seattle FSDO telephoning the Skycorp President on June 6,
40
41 2006, and advising him that it was inappropriate for Skycorp to
42
43 advertise "to just about any airport in the world", or "in a
44
45 light to medium jet" (See enclosed declaration of Sam Aaron).
46

47
48
49 WHEREFORE, the undersigned agency counsel respectfully requests
50
51 that the Administrative Law Judge to issue an order striking the
52
53

1 three affirmative defenses asserted by Skycorp set forth in its
2
3 First Amended Answer dated October 20, 2006.
4
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9

10 
11 Karl B. Lewis
12 Regional Counsel
13 Office of Regional Counsel
14 Northwest Mountain Region
15 Federal Aviation Administration
16

17 DATED this 7th day of November, 2006
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CERTIFICATE OF SERVICE

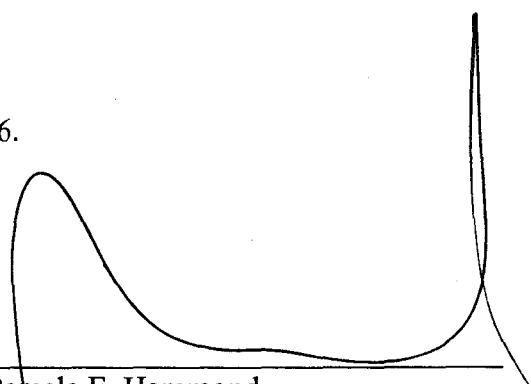
I hereby certify that the foregoing Complainant's Motion for Decision/Motion in Limine has been served via facsimile and mailed this date by certified mail, return receipt requested, to:

The Honorable Richard C. Goodwin
U.S. Administrative Law Judge
Office of Hearings, M-20, Room 5411
U.S. DOT
400 Seventh Street SW
Washington, D.C. 20590
Fax: (202) 366-7536

Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building - - Room 2014
Fax: (202) 493-5020

Mr. Michael Harrington
430 D Street
Davis, CA 95616
Fax: (530) 759-8476

Dated this 7th day of November 2006.



Pamela E. Hammond
Paralegal Specialist
Office of Regional Counsel (ANM-7)
Federal Aviation Administration
1601 Lind Ave. SW
Renton, WA 98057

Declaration of Kevin McKee

1 UNITED STATES DEPARTMENT OF TRANSPORTATION
2 OFFICE OF HEARINGS
3 WASHINGTON D.C.
4

5
6 IN THE MATTER OF
7
8 SKYCORP EXECUTIVE CHARTERS, INC
9
10 FAA DOCKET NO CP06NM0003
11 (Civil Penalty Action)
12
13

14
15 **DECLARATION OF KEVIN MCKEE**
16

17
18 I declare under penalty of perjury that the following is true and
19 correct:
20

21 1. I am an Aviation Safety Inspector employed by the FAA's
22 Seattle Flight Standards District Office.
23

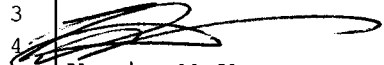
24 2. I was the person primarily responsible for investigating this
25 case involving the advertising practices by Skycorp Executive
26 Charters, Inc. (hereafter, "Skycorp").
27

28 3. Attached as exhibit #1 to this declaration are true and
29 correct copies of page A003-1 from Skycorp's FAA-approved
30 operations specifications, which were in effect during the period
31 of March through July 2006.
32

33 4. These operations specifications show that during this period
34 Skycorp was authorized to conduct on demand operations using only
35 two Beechcraft aircraft, the BE-90-C90 model aircraft, and the BE-
36 200 model aircraft. Neither of this aircraft is jet-powered.
37

38 5. Attached as exhibit #2 this declaration are true and correct
39 copies of three pages of information printed off of the CharterHub
40 Internet site on May 1, 2006, and one page from the April 21, 2006
41 edition of the Charter Hub magazine, which advertised the
42 availability, through Skycorp, of charter operations in a
43 Beech/Raytheon Premier I jet aircraft, and in a
44 Bombardier/Challenger 601-1A jet aircraft. My investigation
45 revealed that the Internet advertisements were last updated on
46 March 23, 2006, and that they had appeared in both the March and
47 April 2006 issues of Charter Hub magazine, and also on the related
48 Charter-Hub.com Internet site. I could find no information on
49 this website informing the reader that the charter services
50 offered by Skycorp in jets would actually be operated by other
51 entities authorized by the FAA to conduct such operations.
52
53

1 I declare under penalty of perjury that the foregoing is true and
2 correct.

3 
4
5 Kevin McKee

6
7 DATED this 31st day of October, 2006.
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EXHIBIT 1

U.S. Department
of Transportation
Federal Aviation
Administration

Operations Specifications

A003. Aircraft Authorization

HQ Control: 09/11/02
HQ Revision: 02g

The certificate holder is authorized to conduct operations under the provisions of Title 14 CFR Part 135 using aircraft with the approved configuration and operations described in the following table:

M/M/S	Type Section 119	Operational Use Of Aircraft	Operation Configuration	Class/Category Operation	En Route	Condition of Flight
BE-90-C90	119.21(a)(5)-On Demand 135	On Demand (135)	PAX and Cargo	MEL	IFR/VFR	Day/Night
BE-200	119.21(a)(5)-On Demand 135	On Demand (135)	PAX and Cargo	MEL	IFR/VFR	Day/Night

1. Issued by the Federal Aviation Administration.
2. These Operations Specifications are approved by direction of the Administrator.

[Signature]
Ziegler, Rodney D.

Principal Maintenance Inspector

3. Date Approval is effective: 9/1/04

NM01

Amendment Number: 1

4. I hereby accept and receive the Operations Specifications in this paragraph.

[Signature]
Trumbull, Donald W.

President

Date: 9/1/04

I, Kevin Koller certify this is a true and accurate copy of SX4A346K A/C Authorization the original of which is in the custody of SEA-F500 & Skycorp Executive Charters, Inc.

[Signature]
Seattle FSDO

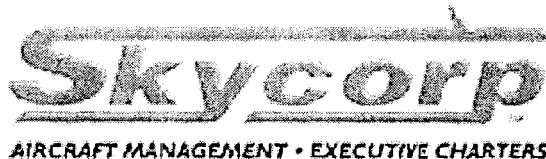
Print Date: 09/01/2004

A003-1

Skycorp Executive Charters, Inc.

CERTIFICATE NO.: SX4A346K

EXHIBIT 2

**Aircraft For Charter**

You Searched For: All Listings

Number of Matches: 4

This Page: 1 of 1

☒ Email This[Change Your Search](#)[Print This](#)[Show One-line Listings](#)[Thumbnail Photos On](#)**YEAR MANUFACTURER MODEL****PRICE (US\$)****LOCATION****BEECH/RAYTHEON KING AIR 200****\$1,295****WA**

Hourly Charter - \$1,295, Certificate #: SX4A346K, 8 Passengers, 550 Lbs. Baggage Capacity,
1633 NM / 1900 SM Range, 18,000-28,000 Ft. Cruise Altitude

Skycorp

Phone: (866)759-3932

or (425)423-9946

Updated: Mar 23 2006 3:17PM

[Details & Photo\(s\)](#)[Send a Message](#)[Add To 'Aircraft Of Interest'](#)**BEECH/RAYTHEON KING AIR C90****\$995****WA**

Hourly Charter - \$995, N66TL, Certificate #: SX4A346K, 5 Passengers, 30,000 Ft. Maximum
Altitude, 1150 Mile / 4.5 Hour Range, 350 Lbs. / 48 cu ft Baggage Capacity

Skycorp

Phone: (866)759-3932

or (425)423-9946

Updated: Mar 23 2006 3:16PM

[Details & Photo\(s\)](#)[Send a Message](#)[Add To 'Aircraft Of Interest'](#)**BEECH/RAYTHEON PREMIER I****\$1,900****WA**

Hourly Charter - \$1,900, Certificate #: SX4A346K, 6 Seats

Skycorp

Phone: (866)759-3932

or (425)423-9946

Updated: Mar 23 2006 3:16PM

[Details](#)[Send a Message](#)[Add To 'Aircraft Of Interest'](#)**BOMBARDIER/CHALLENGER 601-1A****Call****WA**

Hourly Charter - Call, Certificate #: SX4A346K, 9 Seats

Skycorp

Phone: (866)759-3932

or (425)423-9946

Updated: Mar 23 2006 3:16PM

[Details](#)[Send a Message](#)[Add To 'Aircraft Of Interest'](#)[Return to Previous Page](#)

Enter search information and press the Search button below. Use the TAB key to move
between fields. Need help? [Click here.](#)

Category: All

Select Mfr:

OR TYPE IN
Mfr:

#2

CHARTER HUB

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Aircraft For Charter Details: BOMBARDIER/CHALLENGER 601-1A

 [Email This](#)
[Add To 'Aircraft Of Interest'](#)

BOMBARDIER/CHALLENGER 601-1A, Certificate #: SX4A346K, 9 Seats, Hourly Charter - Call

Skycorp Executive Charter service can fly you to just about any airport in the world. For regional destinations within the northwestern U.S. we can fly you on one of our executive cabin class King Air's, or put you on a light to medium jet for destinations far away. If you have chartered private aircraft before you know the benefits. If you have not, the benefits will amaze you. Our first time charter customers receive 10% off the retail rate. We schedule and fly 24 hours a day. Your time is our schedule.

One of the many benefits our private charter service offers to business or personal travelers is direct control of their time. At Skycorp we fly on your schedule. You dictate who you fly with, where you want to go, and, most importantly, when.

Our private aircraft provide a plush, quiet, and comfortable environment — perfect for simply relaxing or enjoying a productive working environment. Our charter service is fast, efficient and stress free

Personalized

At Skycorp our flight coordinators work hard to fulfill all of your charter needs. Skycorp's mission is to provide premium service by constantly striving to exceed customer expectations. From the very first call, we accommodate your every need. Skycorp handles all the arrangements of your trip so you don't have to.

From catering to ground transportation, and hotel to restaurant reservations, our 24-hour concierge service has you covered. For business or pleasure, Skycorp Executive Charters provides premium and personalized private air travel.

Convenient

Skycorp has aircraft management and executive charter facilities located at Paine Field, one of Seattle's most convenient airports. Our private hanger offers indoor parking, a comfortable lounge, internet access, phones and fax. Best of all, our schedule is your schedule.

Our aircraft management program has nationwide capabilities with executive charter services throughout the U.S. and abroad. We can stage your own aircraft or pick you up in ours from any airport that you wish. No worries and no waiting. We handle everything.

Safe

At Skycorp our commitment to your safety is second to none. Our company utilizes meticulous procedures and has adopted a rigorous maintenance program. We operate above and beyond the standards set forth by the Federal Aviation Administration.

Our pilots have decades of experience and are qualified to the highest industry standards. Each pilot completes annual training and testing at Flight Safety International, one of the best training facilities in the world.

Our aircraft and pilots are top-rated!

4500

CHARTER HUB

[Home](#) | [Register](#) | [Site Map](#) | [Contact Us](#)

Aircraft For Charter Details: BEECH/RAYTHEON PREMIER I

 [Email This](#)
[Add To 'Aircraft Of Interest'](#)

BEECH/RAYTHEON PREMIER I, Certificate #: SX4A346K, 6 Seats, Hourly Charter - \$1,900

Skycorp Executive Charter service can fly you to just about any airport in the world. For regional destinations within the northwestern U.S. we can fly you on one of our executive cabin class King Air's, or put you on a light to medium jet for destinations far away. If you have chartered private aircraft before you know the benefits. If you have not, the benefits will amaze you. Our first time charter customers receive 10% off the retail rate. We schedule and fly 24 hours a day. Your time is our schedule.

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Our aircraft and pilots are top-rated!

(11)
4/6

- 2002 BEECH/RAYTHEON - KING AIR C90B, N4465F, Certificate#: I5WA933J,
Landmark Aviation Charter/Sharron Lunsford, (800)548-1978, VA, \$1,050
- 2001 BEECH/RAYTHEON - KING AIR C90A, N770VF, Certificate#: I5WA933J,
Landmark Aviation Charter/Sharron Lunsford, (800)548-1978, VA, \$1,050
- FAIRCHILD - MERLIN IIB, Certificate#: ODAA018H, Pressurized, A/C, 8 pax, 340 MPH, Newly appointed interior! Inflight Telephone, full refreshment center, private lavatory,
Dominion Aviation Services/George Lee, (804)271-7793, FAX: (804)743-2183, VA, Call
- BELL - 407, N407JJ, Certificate#: MXIA627G, ARG/US Platinum rated,
Martinair Inc./Bob Hawthorne, (804)222-7401, VA, \$1,500
See Ad on page 15 of this edition.
- BELL - 407, N203HA, Certificate#: RW8A341W, Ultimate single light turbine helicopter! Bell 407 displays the striking looks of JetRanger & LongRanger & offers the latest benefits of composite materials in its construction,
Helo Air Inc./Bob Hawthorne, (804)226-3400, VA, \$1,400
See Ad on page 15 of this edition.
- 1990 BELL - 206L-3, N426HA, Certificate#: RW8A341W, Character is quality acquired overtime. When you prove your merit year after year, people take notice. That's why you've already heard of the Bell 206 JetRanger & LongRanger.
Helo Air Inc./Bob Hawthorne, (804)226-3400, VA, \$895
See Ad on page 15 of this edition.

I, KEVIN MCKEE certify this is a true and accurate copy of April Issue, Charter Hub the original of which is in the custody of SEA-FSDO

Seattle FSDO

nce and reliability. With seating for up to four passengers,
Helo Air Inc./Bob Hawthorne, (804)226-3400, VA, \$795

nce and reliability. With seating for up to four passengers,
Helo Air Inc./Bob Hawthorne, (804)226-3400, VA, \$795

me is legendary for appearance & reliability. Seating up
Helo Air Inc./Bob Hawthorne, (804)226-3400, VA, \$795

r, refreshment center,
orge Lee, (804)271-7793, FAX: (804)743-2183, VA, Call

800 Mile Range, based at KLKU,
eynolds, (540)967-3816, FAX: (540)967-0797, VA, \$455

U, 450 mile range, Fuel Surcharge,
eynolds, (540)967-3816, FAX: (540)967-0797, VA, \$145

WASHINGTON

- BEECH/RAYTHEON - PREMIER I, Certificate#: SX4A346K,
Skycorp, (866)759-3932, FAX: (425)423-9948, WA, \$1,900
- BOMBARDIER/CHALLENGER - 604, N146BA, Certificate#: HUNA846E, 4600 Range, 530 MPH,
Galvin Flying/Ginger Peterson, (800)341-4102, FAX: (206)767-2549, WA, \$4,150
See Ad on page 11 of this edition.
- BOMBARDIER/CHALLENGER - 601-1A, Certificate#: SX4A346K,
Skycorp, (866)759-3932, FAX: (425)423-9948, WA, Call
- BOMBARDIER/CHALLENGER - 600, N160LC, Certificate#: EPDA645D, 510 MPH, 3000 Miles Range, 41,000 Ft. Cruising Altitude, 12 Pax, Stereo/CD/VHS Entertainment System,
Executive Flight, Inc., (800)762-8253, FAX: (509)884-0534, WA, \$4,000
See Ad on page 18 of this edition.
- BOMBARDIER/CHALLENGER - 300, Certificate#: BKEA492C, 540 MPH, 3550 SM Range, 9 Seats,
Clay Lacy Aviation/Nancy Zella, (800)768-1101, FAX: (206)768-0888, WA, \$3,700
See Ad on Inside Front Cover of this edition.
- DASSAULT - FALCON 2000, 10 Passenger, \$300 Fuel Surcharge,
TAG Aviation (agent for AMI/Jet Charter)/Paul Class, (800)331-1930, WA, \$4,000
- GULFSTREAM - IVSP, 12 Passenger, \$500 Fuel Surcharge,
TAG Aviation (agent for AMI/Jet Charter)/Paul Class, (800)331-1930, WA, \$5,250
- GULFSTREAM - IVSP, N222GY, Certificate#: BKEA492C,
Clay Lacy Aviation, (800)423-2904, FAX: (818)904-3450, WA, \$5,000
See Ad on Inside Front Cover of this edition.
- HAWKER/RAYTHEON - 700, N26ME, 2450 Range, 500 MPH,
Galvin Flying/Ginger Peterson, (800)341-4102, FAX: (206)767-2549, WA, \$2,500
See Ad on page 11 of this edition.
- LEARJET - 60, N889DW, Certificate#: BKEA492C,
Clay Lacy Aviation, (800)423-2904, FAX: (818)904-3450, WA, \$2,700
See Ad on Inside Front Cover of this edition.
- 1994 LEARJET - 60, N647TS, Certificate#: EPDA645D, 430 Knots, 2300 NM Range, 7-8 Passengers, Enclosed Lav,
Executive Flight, Inc., (800)762-8253, FAX: (509)884-0534, WA, Call
See Ad on page 18 of this edition.
- LEARJET - 55, N54NW, 2040 Range, 510 MPH,
Galvin Flying/Ginger Peterson, (800)341-4102, FAX: (206)767-2549, WA, \$2,200
See Ad on page 11 of this edition.
- LEARJET - 36A, N17A, Certificate#: BKEA492C,
Clay Lacy Aviation, (800)423-2904, FAX: (818)904-3450, WA, \$1,900
See Ad on Inside Front Cover of this edition.

Declaration of Teresa Butler-Stoddard

1 UNITED STATES DEPARTMENT OF TRANSPORTATION
2 OFFICE OF HEARINGS
3 WASHINGTON D.C.
4

5
6 IN THE MATTER OF
7
8 SKYCORP EXECUTIVE CHARTERS, INC
9
10 FAA DOCKET NO CP06NM0003
11 (Civil Penalty Action)
12
13

14
15 DECLARATION OF TERESA BUTLER-STODDARD
16

17 I declare under penalty of perjury that the following is true and
18 correct:
19

20 1. I am a Supervisory Aviation Safety Inspector employed by the
21 FAA's Seattle Flight Standards District Office.
22

23 2. I was the person responsible for supervising Kevin McKee
24 during the investigation of this case involving the advertising
25 practices by Skycorp Executive Charters, Inc. (hereafter,
26 "Skycorp").
27

28 3. Attached as exhibit #1 to this declaration are true and
29 correct copies of page B050-1 from Skycorp's FAA-approved
30 operations specifications, which were in effect during the period
31 of March through July 2006.
32

33 4. These operations specifications show that during this period,
34 Skycorp's authorized areas of en route operations was limited to
35 the United States, Mexico and Canada.
36

37 5. Attached as exhibit #2 to this declaration are true and
38 correct copies of two pages of information printed off of the
39 CharterHub Internet site on June 5, 2006, and true and correct
40 copies three pages of information printed from the Charter page
41 from Skycorp's Internet site on June 5, 2006. I could find no
42 information on the Charter pages from either website informing the
43 reader that the charter services offered by Skycorp in jets or to
44 destinations other than in North America would actually be
45 operated by other entities authorized by the FAA to conduct such
46 operations.
47

48 I declare under penalty of perjury that the foregoing is true and
49 correct.
50


51 
52
53 Teresa Butler-Stoddard DATED this 31st day of October, 2006

EXHIBIT 1

Operations Specifications

**B050. Authorized Areas of En Route Operations, Limitations,
and Provisions**

HQ Control: 09/12/97

HQ Revision: 020

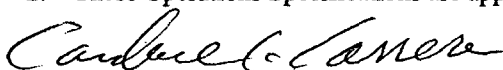
a. The certificate holder is authorized to conduct en route operations in the areas of en route operation specified in this paragraph. The certificate holder shall conduct all en route operations in accordance with the provisions of the paragraphs referenced for each area of en route operation. The certificate holder shall not conduct any en route operation under these operations specifications unless those operations are conducted within the areas of en route operation authorized by this paragraph.

Authorized Areas of En Route Operation	Reference Paragraphs	Note Reference #
Canada - excluding Canadian MNPS airspace and the Area of Magnetic Unreliability as established in the Canadian AIP	B031, B032	
Mexico, including the Gulf of Mexico	B031, B032, B036	
USA - The 48 contiguous United States and the District of Columbia	B031, B032	
USA - The State of Alaska	B031, B032	

b. The certificate holder shall conduct all en route operations in accordance with the following limitations, provisions, and special requirements referenced numerically for each area of en route operation listed in subparagraph a. above.

Note Reference #	Limitations, Provisions, and Special Requirements

1. Issued by the Federal Aviation Administration.
2. These Operations Specifications are approved by direction of the Administrator.


Carrera, Candace C


Principal Operations Inspector

NM01

3. Date Approval is effective: 12/24/02

Amendment Number: 0

4. I hereby accept and receive the Operations Specifications in this paragraph.


Garcia, Edward E.

President

Date: 12/24/02

EXHIBIT 2

CHARTER HUB

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Aircraft For Charter Details:

BEECH/RAYTHEON KING AIR C90

 [Email This](#)

[Add To 'Aircraft Of Interest'](#)



[Zoom](#)

BEECH/RAYTHEON KING AIR C90, N667L, Certificate #: SX4A346K, 5 Passengers, 30,000 Ft. Maximum Altitude, 1150 Mile / 4.5 Hour Range, 350 Lbs. / 48 cu ft Baggage Capacity, Hourly Charter - \$995

Seats 6, Club Seating for 4 plus 2.

Cruise: 220 Kts. / max. speed 260 mph

Skycorp Executive Charter service can fly you to just about any airport in the world. For regional destinations within the northwestern U.S. we can fly you on one of our executive cabin class King Air's, or put you on a light to medium jet for destinations far away. If you have chartered private aircraft before you know the benefits. If you have not, the benefits will amaze you. Our first time charter customers receive 10% off the retail rate. We schedule and fly 24 hours a day. Your time is our schedule.

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Our pilots have decades of experience and are qualified to the highest industry standards. Each pilot completes annual training and testing at Flight Safety International, one of the best training facilities in the world.

Our aircraft and pilots are top-rated!

Say you saw it on CharterHub.com!

Contact:

Skycorp

Send Skycorp A Message

Aircraft is located in:

Everett, Washington, USA

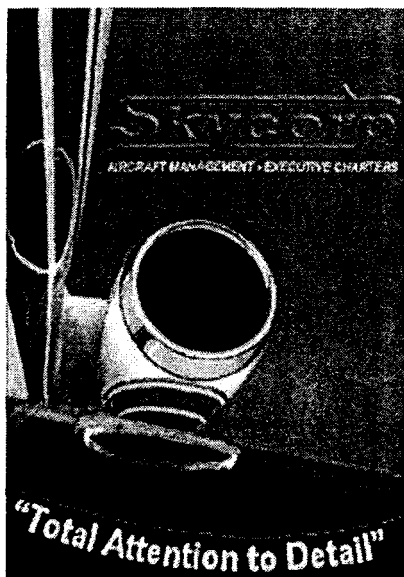
Phone: (866)759-3932

or (425)423-9946

Fax: (425)423-9948

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Executive Air Charter

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Skycorp Executive Charters
9724 32nd Pl. W.
Building C84
Everett, WA 98204

Phone 425-423-9946
Fax 425-423-9948
1-866-SKY-EXEC
(759-3932)



Professional Aircraft Management

Total Attention to Detail

Owning an airplane means a great many things and worrying about it shouldn't be one of them. A highly complex aircraft requires a network of experienced professionals to ensure optimum safety, security, and use. At Skycorp we have designed an extensive aircraft management program to address every aspect of aircraft ownership and operation. Our professional management team handles everything. We provide total attention to every detail so you don't have to.

Skycorp owns and operates its own aircraft, so we clearly understand what an owner is up against. We manage our aircraft to the highest standards and provide the same for our clients. At Skycorp we believe that a truly personalized management service is essential in developing a lasting relationship of trust and reliability. It is our mission to obtain our clients' ultimate confidence and satisfaction.

Management Services

Highest Level of Safety

When you entrust your aircraft to us, we ensure that all maintenance and airworthiness requirements will be complied with at all times. We incorporate highly specialized maintenance tracking systems, which ensures that your aircraft is always in compliance and maintained to the highest level of safety. As an air carrier operator, we have procedures that have been developed with safety as our primary focus. Prior to dispatching each flight, we provide complete safety, route, and weather checks. Our flight crews are qualified to the highest industry standards as our air carrier certificate demands. While you are in the air, Skycorp provides a complete flight following service by tracking your flight from start to finish. Through our meticulous procedures and our professional experience in the air travel industry, you are in the best of hands.

9724 32nd Pl. W., Building C84 • Everett, WA 98204
Phone 425-423-9946 • Fax 425-423-9948 • 866-SKY-EXEC
www.skycorpcharters.com

Based at PAINE FIELD • SEATTLE'S best Airport

Skycorp Executive Charters
9724 32nd Pl. W.
Building C84
Everett, WA 98204

Phone 425-423-9946
Fax 425-423-9948
1-866-SKY-EXEC
(759-3932)



Declaration of Michael Kelly

1 UNITED STATES DEPARTMENT OF TRANSPORTATION
2 OFFICE OF HEARINGS
3 WASHINGTON D.C.
4

5
6 IN THE MATTER OF
7
8 SKYCORP EXECUTIVE CHARTERS, INC
9
10 FAA DOCKET NO CP06NM0003
11 (Civil Penalty Action)
12
13

14
15 DECLARATION OF MICHAEL L. KELLY
16

17 I declare under penalty of perjury that the following is true and
18 correct:
19

20 1. I, Michael L. Kelly, am the Manager of the Technical
21 Standards Branch in the Northwest Mountain Region of the FAA's
22 Flight Standards Organization.
23

24 2. I was the person with overall responsibility for providing
25 technical and policy guidance to our field offices conducting
26 investigations of air carriers, such as the investigation
27 involving the advertising practices by Skycorp Executive Charters,
28 Inc. (hereafter, "Skycorp").
29

30 3. Attached as an exhibit to this declaration are true and
31 correct copies of two pages of information appearing on the
32 CharterHub Internet site on June 19, 2006, and true and correct
33 copies two pages of information appearing on the Charter page from
34 Skycorp's Internet site on June 19, 2006. At my direction, these
35 pages were printed from those Internet sites on that day. I could
36 find no information on the Charter pages from either website
37 informing the reader that the charter services offered by Skycorp
38 in jets or to destinations other than in North America would
39 actually be operated by other entities authorized by the FAA to
40 conduct such operations.
41

42 I declare under penalty of perjury that the foregoing is true and
43 correct.
44

45 
46
47 Michael L. Kelly
48
49

50
51 DATED this 1st day of November, 2006
52
53


EXHIBIT

CHARTER HUB

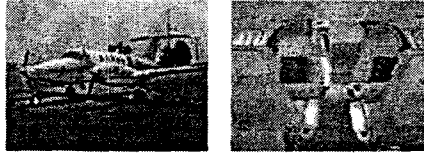
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Aircraft For Charter Details:

BEECH/RAYTHEON KING AIR 200

 [Email This](#)

[Add To 'Aircraft Of Interest'](#)



[Enlarge](#) OR [Zoom](#) [Enlarge](#) OR [Zoom](#)

BEECH/RAYTHEON KING AIR 200, Certificate #: SX4A346K, 8 Passengers, 550 Lbs. Baggage Capacity, 1633 NM / 1900 SM Range, 18,000-28,000 Ft. Cruise Altitude, Hourly Charter - \$1,295

Maximum Altitude: 31,000 feet

Maximum Speed: 275 kts.

Hourly Range: 5.5 hours

Skycorp Executive Charter service can fly you to just about any airport in the world. For regional destinations within the northwestern U.S. we can fly you on one of our executive cabin class King Air's, or put you on a light to medium jet for destinations far away. If you have chartered private aircraft before you know the benefits. If you have not, the benefits will amaze you. Our first time charter customers receive 10% off the retail rate. We schedule and fly 24 hours a day. Your time is our schedule.

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Convenient

Skycorp has aircraft management and executive charter facilities located at Paine Field, one of Seattle's most convenient airports. Our private hanger offers indoor parking, a comfortable lounge, internet access, phones and fax. Best of all, our schedule is your schedule.

Our aircraft management program has nationwide capabilities with executive charter services throughout the U.S. and abroad. We can stage your own aircraft or pick you up in ours from any airport that you wish. No worries and no waiting. We handle everything.

Safe

At Skycorp our commitment to your safety is second to none. Our company utilizes meticulous procedures and has adopted a rigorous maintenance program. We operate above and beyond the standards set forth by the Federal Aviation Administration.

Our pilots have decades of experience and are qualified to the highest industry standards. Each pilot completes annual training and testing at Flight Safety International, one of the best training facilities in the world.

Our aircraft and pilots are top-rated!

Say you saw it on CharterHub.com!

Contact:

Skycorp

[Send Skycorp A Message](#)

Aircraft is located in:

Everett, Washington, USA

Phone: (866)759-3932

or (425)423-9946

Fax: (425)423-9948

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Executive Air Charter

Skycorp Executive Charter service can fly you to just about any airport in the world. For regional destinations within the northwestern U.S. we can fly you on one of our executive cabin class King Air's, or put you on a light to medium jet for destinations far away. If you have chartered private aircraft before you know the benefits. If you have not, the benefits will amaze you. Our first time charter customers receive 10% off the retail rate. We schedule and fly 24 hours a day. Your time is our schedule.

One of the many benefits our private charter service offers to business or personal travelers is direct control of their time. At Skycorp we fly on your schedule. You dictate who you fly with, where you want to go, and, most importantly, when.

Our private aircraft provide a plush, quiet, and comfortable environment — perfect for simply relaxing or enjoying a productive working environment. Our charter service is fast, efficient and stress free

Personalized

At Skycorp our flight coordinators work hard to fulfill all of your charter needs. Skycorp's mission is to provide premium service by constantly striving to exceed customer expectations. From the very first call, we accommodate your every need. Skycorp handles all the arrangements of your trip so you don't have to.

From catering to ground transportation, and hotel to restaurant reservations, our 24-hour concierge service has you covered. For business or pleasure, Skycorp Executive Charters provides premium and personalized private air travel.

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Skycorp Executive Charters
9724 32nd Pl. W.
Building C84
Everett, WA 98204

Phone 425-423-9946
Fax 425-423-9948
1-866-SKY-EXEC
(759-3932)

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Our aircraft and pilots are top-rated!.

9724 32nd Pl. W., Building C84 • Everett, WA 98204
Phone 425-423-9946 • Fax 425-423-9948 • 866-SKY-EXEC
www.skycorpcharters.com

Based at PAINE FIELD • SEATTLE'S best Airport

Declaration of Samuel Aaron

1 UNITED STATES DEPARTMENT OF TRANSPORTATION
2 OFFICE OF HEARINGS
3 WASHINGTON D.C.
4

5
6 IN THE MATTER OF
7
8 SKYCORP EXECUTIVE CHARTERS, INC
9
10 FAA DOCKET NO CP06NM0003
11 (Civil Penalty Action)
12
13

14
15 DECLARATION OF SAMUEL A. AARON
16

17
18 I declare under penalty of perjury that the following is true and
19 correct:
20

21 1. I am the Manager of the FAA's Seattle Flight Standards
22 District Office.
23

24 2. I had overall ultimate responsibility for the investigation
25 this case involving the advertising practices by Skycorp Executive
26 Charters, Inc. (hereafter, "Skycorp").
27

28 3. On June 5, 2006, I telephoned Don Trumbull, President of
29 Skycorp, to discuss the ongoing FAA investigation of this case. I
30 told him that earlier that day my staff had found Internet
31 advertisements on both Skycorp's website and Charter Hub's
32 website, stating that Skycorp could fly anywhere in the world
33 using light to medium jets. I reminded him that Skycorp's
34 Operations Specifications limited its authorized areas of en route
35 operations to the United States, Mexico and Canada, and did not
36 permit the use of jet aircraft. I told him that his
37 advertisements were inappropriate, given his limited operations
38 specifications. Mr. Trumbull stated that he was just following
39 industry practice, by advertising services that he could contract
40 for with other carriers which had appropriate operations
41 specifications for these types of operations. We agreed to
42 disagree, with me advising Mr. Trumbull that I would turn this
43 matter over to the FAA legal office for final resolution of this
44 issue.
45

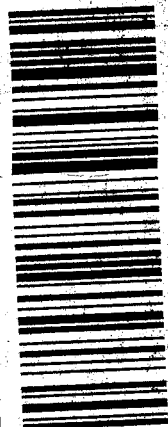
46 I declare under penalty of perjury that the foregoing is true and
47 correct.
48

49 
50 Samuel A. Aaron
51

52 DATED this 31st day of October, 2006.
53

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7006 2150 0004 3977 6205



PINKY BORGES

\$ 06.56⁰

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Federal Aviation Administration
1400 Independence Avenue SW
Washington, DC 20591
Cleaning Docket Clerk AGC-430
Wright Building - Room 2014